

RALPH B. SMITH	§	
v.	§	CIVIL ACTION NO. 5:010cv58
OLIVER BELL, ET AL.	§	

The Plaintiff Ralph Smith, proceeding *pro se*, filed this civil rights lawsuit under 28 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the cases be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

1

interlocutory appeals of prior orders of the Magistrate Judge, and these appeals have been dismissed for want of jurisdiction because orders of the Magistrate Judge are not appealable to the Fifth Circuit.

Rule 72(a)(2) of the Federal Rules of Civil Procedure provides that within 14 days after being served with a copy of the recommended disposition, a party may serve and file “specific written objections” to the proposed findings and recommendations. Such objections must specify the findings objected to, and the district court need not consider objections which are “frivolous, conclusive, or general.” Nettles v. Wainwright, 677 F.2d 404, 410 (5th Cir. Unit B 1982) (*en banc*) (*overruled in part on other grounds by Douglass v. United Services Auto Ass’n*, 79 F.3d 1415 (5th Cir. 1996) (*en banc*)). However, while Smith made no specific objections to the Report of the Magistrate Judge, the Court has nonetheless reviewed his motion for reconsideration of the Magistrate Judge’s actions as objections to the Report. Upon a *de novo* review of the pleadings, the Court has concluded that these objections are without merit.

Nor has Smith shown any basis for appointment of counsel, or for a six-month extension. Although he says that he will be unable to perform legal work, the docket shows that after filing that motion, Smith has filed another motion for appointment of counsel, a motion for summary judgment asking that the district court find in his favor because the Magistrate Judge lacks jurisdiction over the case, and a notice of change of address.

The Court has conducted a careful *de novo* review of the pleadings in this cause together with the Report of the Magistrate Judge. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Plaintiff’s objections, expressed in his motion for reconsideration of the Magistrate Judge’s orders, are without merit. It is accordingly

ORDERED that the Plaintiff’s objections are overruled and the Report of the Magistrate Judge (docket no. 44) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff’s motion for a temporary restraining order (docket no. 29), motion for protective custody (docket no. 33) and motion for emergency protection (docket no. 36) are hereby DENIED. It is further

ORDERED that the Plaintiff's motion for reconsideration of the orders of the Magistrate Judge, for an extension of time, and for appointment of counsel (docket no. 53) is DENIED.

SIGNED this 1st day of February, 2011.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE